

# POLICY PAPER

## Organization of parties and internal democracy of political parties in Albania





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## **Publisher:**

Albanian Institute for Political Studies

## **For publisher:**

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## **Design:**

Studio Mouse – Podgorica, Montenegro

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# Policy Paper

## Organization of parties and internal democracy of political parties in albania

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### Abstract

This paper explores the internal democracy of political parties in Albania and their current organizational structure. It examines the evolution of political parties from their creation after communism fall, to the complex functioning structures of today. Political parties in Albania emerged as a new trend in 1991, opposing the single party-state model of the communist era, and promising boundless democracy and freedom to citizens. 26 years on, these promises are still pending as political parties have continuously failed to embark on serious reforms. The paper examines the main elements within the political parties' structures, functioning models, organization and internal democracy, as well as the Albanian legislation on political parties and the parties' own statutory documents, providing thus an overview on the internal democracy level of political parties in Albania. The study makes a qualitative comparison of the autonomy, involvement and participation in decision-making within party structures. The paper argues that the popular parties of horizontal nature are now replaced with clienteles' parties of vertical nature. Furthermore, the study provides important recommendations for a new democratization process of the representative system, where political parties have an important role to play.

**Key words:** *Albania, political parties, internal party democracy, elections, transition, leadership*

# Introduction

The analyses of the statutes of political parties in Albania provide a clear picture of their internal democracies and the various forms that the term “internal democracy” takes in the praxis of each political party. This analysis is based on both, party statutes and the party actions in practice. Despite the fact that the statute is the most important document of the political parties, which regulates party’s actions and conduct, this study argues that these regulations are not put into practice by political parties in Albania. The representative sample selected for this paper is based on the highest number of seats won in the parliamentary elections, from 1998 to 2013.

This selection criteria generated the two major political parties’ Social Party (SP, left wing) and Democratic Party (DP, right wing) and in a smaller scale, Socialist Movement of Integration (SMI, left wing), representing thus both sides of the political spectrum. The analysis of internal democracy of political parties was done following the theoretical model of Goran Cular, (2004). Two dimensions were analyzed: the first dimension is the *decision-making process* within the party and the second dimension is *internal competition and elections*. The paper first analyses the two dimensions and then provides a comparative estimation of possibilities for internal democracy for all other parties.

## 1. The legislation on political parties

Upon the start of political pluralism in Albania, the first legislation on political parties started to develop in the country in autumn 1990. Initially, the political life was based on the 17/12/1990 decree, which regulated the activity of political parties based on four main elements: creation, expansion, funding and a number of imposed constraints. The decree stipulated that the initiative to create a political party could be taken by “*at least 100 citizens, in cases where the party’s activity or association would be extended in one or several districts, and over 300 citizens in cases where its activity would be extended all over the country*” (Krasniqi, 2009). The request to establish a party was to be addressed to the Ministry of Justice, as the assigned governmental body responsible for the new political set-up scenario at that time. The decree contained restraining elements for the members and party activities, which were deliberately designed to exclude specific groups from the new political life in Albania, specifying that “*foreigners and Albanian citizens who do not have permanent residence in the territory of Popular Socialist Republic*



*of Albania (RPSSH) cannot be party founders, nor party members” and that “the party’s activities can be extended to one or several districts or to the whole RPSSH territory”.*

This demarcation measure excluded all Albanian immigrants from possible and desired involvement in political parties. It also placed a legal limit to the territories where the parties could operate, excluding the opportunities for party sections and branches outside the country.

Restrictions were thus tight for the new political life in Albania. Legally, the Ministry of Justice could still reject the creation of a political party *“if its’ program demonstrates elements of fascism, racism, warmongering, and anti-national spirit or incite national hatred. It is forbidden for a party to aim at the violent overthrow of the government which is established as per the country’s Constitution”.*

These restrictions appeared even tougher when the set was combined with the limitation on the financial aspects of political parties. The new legislation banned the financing of new political parties from external sources, preventing contributions from outside the Republic of Albania, especially from the new wave of Albanian emigrants in the Western Europe and the USA. The decree specified that *“it is prohibited to accept any financial assistance from abroad, from sources such as states, political parties, organizations, institutions, foreign individuals or Albanians who are not permanently residing in Albania. If such cases are observed, the state is entitled to seize the aid”.*

The decree on political parties acted as a legal basis for the first six months of political pluralism, between December 1990 and May 1991, which is also the period when the first multiparty elections in Albania were prepared. Many elements of the decree revealed deep contradictions between the limitations it applied and the democratic standards which Albanians aspired to achieve. One contradiction was the most eminent and quite significant for the new democracy in the country: the decree was anti-constitutional. Although the new decree on political parties was approved at the Governmental level, the fundamental legal document in Albania was still the 1976 Constitution of the communist dictatorship, which recognized the *“Labor Party of Albania (PPSH) as the sole leading political force of the state and society”* (Omari, 2008), a fully legal status which remained valid until April 1991.

There was thus a legal inconsistency on the approval of the decree, which was not in line with the Albanian constitution. This profound paradox helps to understand the significant difference between political developments in practice and their initial legal basis and grounds. The legislation development for the political parties remained theoretical, unsupported and experimental

in Albania, where for over 46 years of totalitarian party state regime, the directives of the communist party prevailed over the Constitution and the legal system.

Only after the first multiparty elections in 1991 there was a moment of reflection on the need for change in the legal system. Following the creation of the first Transitional Government, composed of representatives from all major political parties, the majority (still communist) and the parliamentary minorities (anti-communist forces) agreed on a package of constitutional laws known as the Main Constitutional Provisions (DKK). This set of provisions replaced the communist era constitution from 1976. Article 6 of DKK defined the new principles and legal basis for the political parties. It stated: *“political parties can be established and can exercise their activities in accordance with the law. They are completely separated from the state. It is prohibited to exercise activities of political parties in military units and institutions of the Ministry of Defence and Ministry of Interior, Ministry of Foreign Affairs and diplomatic representations abroad, at the Prosecution Office, Investigation offices and Courts offices. De-politisation and depolarization of the public institutions is regulated by law”* (DKK, 1991).

Furthermore, as per Article 8, in order to create a new relationship between the government and the political parties, it was stated that *“the implementation of strict and uniformed juridical norms is mandatory for all state bodies, political parties, other organizations, employees as well as for all persons and legal entities.”*

### **1.1. 1991, the first law on Political Parties in Albania: Restrictions, excluding measures and unclear provisions for the financial transparency**

Upon legalizing the political parties in DKK, the majority and the opposition continued the consensual work to elaborate and approve a draft for the first organizational law on political parties, which was the first law on this subject in Albania. The law on political parties, approved in 1991, conveyed a broad base of concepts, principles, norms and practices related to the existence, activity, decision-making, financing and the role of political parties. The main element of this law remained in effect for 19 years, despite the amendments in 2001 and 2011. During these 19 years, intense political developments happened in Albania, including two political rotations, six political elections (3 parliamentary and 3 local elections), as and more importantly, two national referendums for the constitution were held, in 1994 and 1998.

The first Law on Political Parties, (7502, dated 26.07.1991) was based on the temporary anti-constitutional decree of 1990 (decree nr.7442, dated 17.12.1990). In contrast to the decree, it introduced new elements of freedom for the creation and functionality of the political parties, and defined them as *“voluntary unions of citizens on the basis of mutual ideas and common political views and convictions, aiming at contributing in the country’s development through participation in elections and representation of the people in elected governments”* (Article 1). Article 3 stated that the parties are *“an integral part of the constitutional and democratic, system free of government control”* and that they should only use democratic means and methods to achieve their goals.

The concept of limitation regarding territorial activities of the political parties remained unfortunately unchanged. In the meantime, there was an increase in the series of restrictions upon the creation and functions of political parties. It was for example prohibited to create political parties *“whose internal organization is in contradiction with democratic principles such as building a bottom-up party, internal democratic elections for party forums, the freedom of expression for each member, freedom of adhering and leaving the party, ensuring transparency of financial support, audit and control statements in the use of resources and funds”* (Law on Political Parties, 1991)

Among the main changes, the law also introduced the prevention to establish political parties based or functioning on ethnic, religious and regional grounds (Article 6); the obligation for each party to have identifiable and unique names and symbols (Article 7) and the prevention for political parties to create youth or children organizations (Article 15). The restrictions regarding religious’ political parties were justified with the potential risks that they bared and the conflicts that might emerge due to the existence of four oppressed religions in Albania, and their survival in the country where majority of population declare themselves as being atheist (INSTAT Census, 2011) The religion-oriented parties bared the risk of creating a parallel configuration of the new political system and the perceived risk of being a source of new social conflicts (Omari, 2008). The second restriction, the prohibition of youth and children organizations, was grounded on the negative experience of the country during the dictatorship regime and the misuse of youth in political propaganda during the communist time (LPP, 1991).

Underlining the new elements of the law, it can be argued that it brought a late, but welcoming change in the political sphere in Albania. The law preserved the concept of a minimum number of citizen’s signing a legal request to form a party, still at 300 signatures; it also preserved the exclusion of foreigners and non-residents (including Albanians in the diaspora) to establish political

parties (Article 14); it introduced the government's financial support for the initial stage of founding a party, (Article 19); it recognized the parties' right of a profitable economic activity (Article 18); it defined the formula for eligibility and amount of state funding from the state budget (Article 21) etc.

On the financing scale, it introduced the change and innovation on accepting finances and aid from abroad, defining that political parties in Albania can accept such aid "only when it comes from either parties or international union of parties, and not exceeding the financial assistance granted by the State" (Article 23). On the other hand, for internal financial resources inside the country, it prohibited the aid, either financial or material "*from country public entities as well as entities with state capital participation*" (Article 24).

In the meantime, a new feature was introduced: auditing and transparency of financial resources. The parties' financial control would take place once a year by a team of experts appointed by the National Assembly (Article 26).

## 1.2. The first legal changes: communist party is outlawed

One year after the approval of the new law, in 1992, the new parliamentary elections were held, bringing the first political rotation in the country. The main opposition party, the Democratic Party (PD), won the elections. During the first months of its government, without any political consensus or consultations, the DP initiated fundamental legal and constitutional changes. The most prominent was the legal prohibition of the communist parties (outlawing the Communist Party, an extension of the Communist Party since 1941).

Over the four years of its governance, the DP initiated a number of non-very-democratic changes for the political parties' funding formula (1992 and 1996), allowing blurry interpretations on how the parties could be financed and by whom. It also changed the competences for the financial control, diminishing the accountability measures of political parties (1992, 1995). Furthermore, it changed the composition formulas for political representation in the structures responsible for the administration of political elections, as well as new restrictions on electing candidates from the former secret police and leading figures of the communist regime (1995, 1996).

## 1.3. Constitutional changes and the effects in Political Parties

In 1998, the Albanian people officially approved the new constitution through a referendum, the second plebiscite vote since the communism fall. The

new constitution introduced for the first time since the Second World War, an article dedicated to the political parties in Albania. Article 9 of the new Constitution stated: *“Political parties are freely created. Their structure and functioning shall comply with the democratic principles. The law prohibits the creation of political parties whose programs and activities are based on totalitarian methods inciting and supporting racial, religious, regional or ethnic hatred, using violence to take power or influencing state policies, as well as parties of s secret character”*. Furthermore, the Constitution emphasized the principles of financial transparency. It provided a specific constitutional article dedicated to the financial transparency, obliging political parties to make public at any given time *“...and to disclose their financial resources and expenses”*(Article 9, Constitution of the Republic of Albania, 2008)

The Constitution also recognized the political parties’ right of appeal to the Constitutional Court, as well as recognizing the right of this Court to decide on the *“constitutionality of parties and other political organizations and their activities, under Article 9 of the Constitution.”*

The new Constitution required a revision of the legal basis and organic laws of all constitutional institutions, including political parties. The new law on political parties was hence adopted after two years (2000), reviewing most of the existing criteria and bringing new features in the life of political parties. i.e., the new law increased the minimum number of signatory citizens who could ask to legalize a political party, from 300 to 500 citizens; it changed the administrative procedure for legalizing and registering the party, which was switched from the government, to the district court (in the capital, Tirana). Political parties were now allowed to conduct public events even prior to the court’s approval, and the government had a new defined obligation to support financially the establishment of a political party, by allocating 100 thousand ALL(about 710 euro) (Article 18) at the day of its legalization. On the other hand, it prohibited the commercial and profitable activities of political parties, funding and finances from public entities in Albania or private and public entities from abroad; it defined the government’s obligation to support the parties with administrative costs and offices, as well as assign the State Supreme Audit Institution (KLSH) the competences to conduct the financial control of the political parties.

Despite the changes and competences assigned, some institutions encountered new obstacles in implementing the law. Especially the State Supreme Audit Institution (KLSH) did not exercise its duty for the financial audit of the political parties, mainly due to political affiliations of the institution’s staff with the political parties in power. Additionally, there were a considerable number of flaws in interpreting the new Constitution, predominantly the sub-article

related to the financial transparency. These difficulties in interpretation and implementation, led to further legal adoptions in 2010 and 2011. The most notable changes of the amended law (2011) were related to the increase of the number of signatory citizens who could put forward the request to create a political party. The number went up from 500 to 3000 signatories.

Furthermore, a radical change was introduced regarding the formula of party funding and financial transparency. The financial aid from the state budget was cancelled and a new minimum threshold was set for the value gifts accepted from Albania and from abroad. There was also a change regarding the government's responsibility to provide public premises to political parties. With the revised law, only those parties with representing numbers in the last three local or parliamentary elections can benefit from this provision.

#### **1.4. Final assessment of the legislation on political parties in Albania**

After careful examination of the main legal documents and political evolution in Albania, it can be argued that the overall legislation on political parties in the country is incomplete, it does not solve the main problems of the political parties, it has failed to provide a reliable and effective financial control formula, it has not influenced the internal democratization of the political parties and it did not foster a solid ground for sustainable democratic principles, upon which old and new political parties could build their new identities and activities.

On the contrary, the legislation created illegitimate gaps and opportunities for misuse and abuse of political parties from their own leaders. The legislation on political parties does not set clear provisions on the separation and balance of the decision-making structures and powers within the political parties. There are no provisions on the internal selection and decision-making methods, nor in the binding norms or practice for a better internal democracy of political parties. The constitutional concept of 1998, stating that political parties shall “get organized conform democratic principles” proved to be incomplete, inadequate and non-functional.

As a conclusion for the main elements of evolution of legislation on political parties in Albania, it can be summarized that changes and amendments happen in every governmental rotation, with constant revisions and annulment as per the political wish of the parties in power. In 1992, the parliament made amendments that outlawed the Communist Party. However, in 1998, upon the political rotation, the left wing Social Party, (a derivative or “the daughter” of the Communist Party (Abrahams, 1996), overruled the 1992 decision and the Communists' right for political existence and activity was back and legal.

The “Law on elections” (1992) banned political parties associated with ethnic characteristics (targeting the “Omonia” association, representing the small ethnic Greeks minorities in Albania). This decision forced the Greek minority to create a new official party, the Party “Union for Human Rights” (PBDNJ). In a similar scenario, in 1991, religious’ affiliated parties were banned, whilst the revised law of 2000 does not specifically prevent such an affiliation between political parties and religion or religious groups.

Regarding the political activity of former prominent communist figures, in 1996, the law banned the right to run for office to individuals who had been part of the secret police, as well as to senior officials of the communist regime. However, one year later, with the political rotation and a new government, in 1998, this law was annulled.

On the financial aspect, whilst in 1996 most political parties’ were engaged in profitable economic activities, after the new legislative amendments of 2000, these activities were no longer legal.

Taking onto consideration the evolvments in the legislation on political parties, as well as the overall analysis made on the framework of this paper, it can be observed that a final bottleneck for the Albanian political parties is the lack of the National Registry of Parties, the legal provisions than could stipulate the monitoring of political parties, and to reflect their frequent updates and changes. Under the current legislation, political parties shall submit to the court only the results of the internal elections for the party leader and a copy of their political program.

This superficial layer has generated the current overflow of political parties in Albania, where there are currently 130 legitimate political parties registered, of which, more than half are fictitious. At least in five cases the party leaders have deceased, nevertheless, since the law does not require verification of the updated registrations, these parties and their deceased leaders continue to appear as being “active” and are officially considered legitimate to compete in electoral elections (*i.e., inactive parties of deceased leaders, who are still wrongly listed as active: Liberal Party of the late Valter File; Monarchist Movement, of the late Guro Durollari*).

## 2. The fragile internal democracy of Albanian political parties

Albanian political elites inherited the communist model of the party unity, where criticism and factions were seen as penal acts and were subject to severe punishments. However, efforts were made to guarantee the freedom of

thought and speech, as well as fair competition within the party. All parties made successful progress in the theoretical and administrative side, and most political parties adapted their statutes and internal regulation in this regard. The statutory documents claim full guarantee to respect criticism, to enable decision-making based on voting only, to accept new and different ideas, to encourage candidacy for leadership positions and to allow free entry and exit from the party.

In practice, the scenario is different. One indicator confirming the inconsistency between the statutes and the reality is the high number of current political parties that derive from the two major political parties in Albania. Almost 80% of the small parties are created as a side-effect of the sanctions, limitations and exemptions within SP and DP, showing the small degree of effectiveness of pluralism within the parties and how fragile is the internal democracy of these parties. The table below shows the main derivate of political parties in Albania, originating from the two main parties, SP and DP.

**Table 1:** New political parties deriving from the major SP and DP in Albania, 1991 - 2017

Originating From SP	Originating from DP	Year
Social Democratic Party (PSD)		1991
	Democratic Alliance Party (PAD)	1992
	Party of Democracy and Justice (PDD)	1995
	Rimëkëmbja, RK	1995
The Real Socialist Party (PSV)		1996
	The New Democratic Party (PDR)	2000
The Demo-Christians Party (PDK)		2001
The Party for Social Democracy (PDS)		2003
Socialist Movement for Integration (LSI)		2004
Party Justice, Integration and Unity PDIU		2009
The Real Socialist Party '91 (PSV91)		2009
The Moderated Socialist Party (PSM)		2011
	The New Democratic Spirit (FRD)	2012
	Movement for Albania (LPSH)	2015



It can thus be argued that the excessive political spectrum and number of political parties in Albania is not a sign of political freedom and democracy; it is instead the reflection of a deeply fragmented share of the two major parties (SP and DP), as a consequence of deficiencies in the internal democracy and the increasing influence and control of the authoritarian party leaders.

## 2.1. The organizational structures and development of political parties

The Albanian political parties have an almost identical structures and organizational styles. Their structure is largely based in the classical approach of the former communist parties, i.e. aiming for national coverage and presence; being structured in territorial units; have formal structures for youths and women forums; are divided into sub-sections and create ad-hoc regional organization, etc. All political parties have an executive body and a dominant leader. The party chairmen in Albania is regularly seen and referred to as the “Leader” by the supporters and by the media.

On a bottom-up analysis, the party’s base (the voters and supporters) play a minor role in the decision-making process and are expected to simply implement the decisions from “above” (a term of authority known and widely used during communist party ‘rule in Albania, 1945 - 1990).

The analysis shows that the *elected party chairmanship* has lost its power to the *executive chairmanship* which is directly selected from the parties’ chairman. Other national structures such as the Congress or the National Assembly represent ad-hoc structures, which simply serve as decorative ornaments during the election campaigns. (Krasniqi & Hackaj, 2015). Their role in the debates and decision making structures of the party remains largely unexercised and unknown.

Regarding the critical organized fractions within the party, research shows that such practice is not allowed in the political parties in Albania. An experimental existence of such fractions in the Socialist Party (SP) 1992-1999 and in the Democratic Party (DP) 1991-1993 led to internal political conflicts and expulsion of the minorities expressing critical views. Consequently, more than half of the political parties created after 1992 are formed from individuals or groups of individuals which are former members of SP or DP, and excluded for their critical views on the party (see Table 1)

Another example of the authoritarian power and control of the leader can be observed in the process of electing institutional representatives that legally, are nominated by the political parties (political nominations such as the President of the Republic, the Prime Minister, Governmental Ministers,

City Mayors, etc.) The analysis shows that the vast majority of these officials are directly appointed by the leader of the party, representing those who are loyal to the leaders and closer to him politically.

This approach was best illustrated in the presidential elections between 1991 and 1998. During these years, the President of the Republic represented the stronger political symbol in the country, and therefore, the three presidents appointed during these years, were also the leaders of the parties in power (Alia, Berisha, Meidani, respectively leader of the Communist Party (1985-1991), leader of the Democratic Party (1990-1992) and Secretary General of PS (1996-1997).

The new Constitution (1998) introduced considerable limitations to the competencies of the President of the Republic, and therefore, the balance of power shifted towards a stronger figure of the Prime Minister. Consequently, whilst until 1998 the prime ministers represented a secondary figure in the political parties, after 1998 the position of the Prime Minister started to be attributed to the party leader, with very exceptional cases (Majko, 1998, Secretary General of the SP, and Meta in 1999, MP with the SP).

In a closer examination of the authoritarian stature of the political leaders, the analysis shows that today it is difficult to survive in a party if the views are not compatible with those of the leader. This is deterioration in the internal democracies of the parties, and the trend has had some variations over the years. After the communism fall and up until 2009, the electoral system contributed positively for the critical voices to survive in political parties. How? The electoral system during these years was majoritarian in 1991 and majoritarian with proportional correction from 1992 to 2009. These systems allowed individuals to strengthen the support around their constituencies. Therefore, the strong position and the high number of votes, enabled critics of the leader to still have a voice, whilst continuing to serve the party and their voters. The situation changed in 2009, when the new proportional system with the “closed list” approach was introduced. The new move gave full power to the party leader to decide on the candidate names. As a result, internal critical voices soon disappeared at a very fast speed.

In a clear non-transparent approach, the candidates running for the national assembly have not been elected via democratic practices, competition or internal voting. Since the end of 1992, there are no cases recorded of internal competition for the candidates. The dominant and accepted practice is the one where the leader and the party member who are his loyal individuals and closest allies, decide and nominate the candidates (and the names for all other leading structures).

One isolated example makes the exemption to this rule, from the distant 1991 and beginning of 1992, when the new political parties still believed in the decision-making roles and internal democracy of their political organizations. During the initial stages of democratic life in Albania, competition and voting in the decision-making structures was considered as very important, and was exercised initially at all levels, with specific importance for the elections at the National Assembly. This short-lived good practice unfortunately faded away very fast, and political parties started to apply new practices for their structure and functioning style.

Political parties in Albania have one special characteristic, which they share with many other political parties in the Western Balkans: the continuous change of their internal “constitution”, which is the statute and other internal regulations (Democratic Party, DP, 1990, 1996, 2005, 2014; Socialist Party, SP, 1991, 1994, 1999, 2004, 2015; Socialist Movement for Integration, SMI, 2004, 2009, 2015).

The most frequent changes are linked to two main elements: firstly, with the mandate and the election of the party chairman, and secondly, with the formula of electing the internal executive bodies (Chairmanship and Secretariat).

In 1991, all parties, including the two main parties, SP and DP, clearly defined in their statute that the chairman could not be elected in more than two consecutive terms. The terms varied between two and four years, maximizing the chairmanship of one person for no longer than eight years. By the mid-90s the political parties changed their minds and made statutory changes, removing these restrictions for the party leaders and granting themselves indefinite chairmanship mandates. (SP 2015, DP 2005, SMI 2009). In a snapshot of leadership analysis, it can be observed that the SP leader, Fatos Nano, chaired the party from 1991-2005, with a short interruption in 1997, while the DP leader, Berisha led undisturbed from 1991 to 2013. Overall, of the 20 political parties with parliamentary representation, none has held regular elections internally. There has been no progressive change on the mandates of their leaders either. The usual practice observed is: The same individual runs the party indefinitely, and in some cases, until death makes the party and its leaders apart (i.e. in the cases of PKB, PLL, PBDNJ, etc.

## 2.2. Party Chairmanship and Decision Making Structures

In the early years of their political life, (1991-1992) the leading structures of the parties enjoyed a strong political mandate, as these bodies were elected by a competitive secret ballot and in some cases (i.e. PD in 1991), the chair-

manship bodies were elected by the same electoral structure that elected the leader of the party. In the early 2000s, the formula changed and elements of the co-opted chairmanship were introduced (i.e. gender quota, provincial share, religious numbers, power representation quotas etc.). Currently, the chairmanship bodies represent spin-off model of the co-opting approach, rather than direct or open competition. As an illustration, in 2013, the DP (in opposition) created what it called a “super-chairmanship structure” with about 55 members; however, 90% of its members were selected because of their previous official functions, and not through a competitive voting. The creation of such chairmanship makes them powerless and weak in their legitimacy towards the political will and preferences of the party leader. Thus, more than chairmanship structures, these new forms bear a resemblance to the electoral and political staffs of the party’ leader.

Same developments also arose in other organizational levels: in National Assemblies, in regional and local leading structures.

When the SP started its internal reform in 2005-2006, de facto 90% of its existing front-runners were dismissed while their successors were appointed directly, at the personal preference and will of the party’s new leader, Edi Rama, who in 2013 won the elections and became the Prime Minister (ISP, 2016). The right wing DP, upon losing the electoral elections in 2013, it also initiated an internal reform, applying the same practice as SP and dismissing most of the existing front-runners. The new leader Mr. L. Basha temporary appointed the successors, who were individuals and party members closer to him, to the new leader (ISP, 2016)

The new internal election process has shifted the power of electing candidates from the base and constituencies to the capital, where the central role and power plays with the party chairman. This change has led to a dramatic decrease on the role and importance of the local structures, and proportionally, it has increased the political power of the central leadership figures, of the leader itself and of his closest partners and internal associates.

### **2.3. Privileges and competences of the party leader and representative bodies**

Societies experiencing complex transition, such as Albania, have consistently debated over the selection of two priorities: democracy or stability. This situation explains the need for continuous reforms in one hand, and political consistency on the other, with notable stability required in the decision-making processes. Political parties are part of the stability required to enable the

democratic reforms. “Democracy “and “democratic governance” has been the major promise made by political parties to Albanian voters during the first decade of transition (1991-2001), followed by promises on stability, a much needed component of the fragile democracy in Albania.

The need for stability has overshadowed the calls for more liberal democracy in the country, and stability is the terms mostly misused by the political party leaders to justify the enforcements of indefinite mandates for their leadership position.

One of the challenges mostly ignored by the political parties is the frequent and non-transparent change in the internal regulation and decision-making structures for each party.

For more than two decades, the public has put pressure on political parties and has encouraged them to conduct direct elections for important decisions. During the last years (2012-2016), the four major parties (PP, DP, SMI, PDIU) have held direct elections for the party’s leader, but the race has been unfortunately only formal, as there has been either one single candidate or a “fake” second candidate, which in most cases was “appointed” the winner (SP, Lakrori 2015; SMI, Rrokaj 2016; DP, Basha 2013).

This distortion of the direct elections principles yielded no positive effect in improving the representative’s level of political parties, or in attracting new members. The practice of these quasi-bogus elections for the party’s leader was however commented as “*politically correct*” by the political parties, who claim that this practice is in line with the modern trends of political parties elsewhere, without referring to specific examples.

Privileges and competences of the decision making processes in political parties in Albania, continue thus to lay with the party’s leader. No news and no developments in this approach since 1941, when E.Hoxha became the leader of Communist Party and subsequently, the dictator of Albania for the rest of his life.

The cult of the individual and the role of the parties’ founders as “historic leaders” remain intact. During the last 26 years, since communism fall, the Albanian political life is dominated by two major parties: the Socialist Party (SP) and the Democratic Party (DP), and their respective leaders Berisha, Nano and Rama. New political entries in the political spectrum have been minimal, with only the SMI, a fraction of the SP being positioned as the third player and having a significant increase in the number of MP’s as well as in the governmental coalitions with whichever party wins the elections. Liberal groups and central right parties have failed to survive.

In 2016, SP held a referendum to decide on the mandate of the party's leader. The decision states: "When elections are won and the party leader becomes Prime Minister, there is no need to vote for the winner. He remains in the chairman position".

The unique voting process in the Albanian parties' context, introduced a number of political decisions, such as: one individual cannot hold two public positions at once, MP and Minister; the chairman of the party shall undergo a vote of confidence every two or four years; the chairman shall resign if the party loses the elections, etc.

These themes had emerged upon results' announcement of every parliamentary elections, and the party assemblies have conducted national meeting after each political rotation in 1995-1996, 1998-1999, 2001-2002, 2005-2006, 2009 and 2016. However, no changes were made until the General Assembly of the SP in 2015, where it was formally decided to separate the public positions that can be held at once by one individual.

The present statutes of the political parties are adapted to serve the needs of the current leaders, and parties have failed to introduce new standards that would be useful for the party's democracy, regardless of the individual name of the party' leader(SP, 2015; DP, 2013; SMI, 2015).

Regarding the traditional role of representative bodies and party structures, no significant adaptations are made in statutes or programmatic documents, and yet, the public perception is somehow positive and its does associate the party structures with some degree of privileges and power, especially the assembly, the secretariat at the central level, and the coordinators, sections and group sections at local level.

## 2.4. Other changes in the internal functioning of political parties

More changes have occurred in other aspects of the political life, especially in the communication forms within the party. The new online communication patterns have triggered a visible change in the organizational and decision-making processes of the political parties.

In the first decade after 1990, communication with party members was made through party's newspapers and regular monthly meetings at the national, local and sections' levels. Almost three decades after the traditional practice of monthly meetings and face-to-face communication, today the main channels are the social network. Internet has changed not only the form, but also the content of communication and the frequency of exchange between the central power, the local representatives and the supporters.

Daily statements on specific political topics are now made via Facebook and Twitter accounts, or viber and what's up groups. Political communication is instant, online and frequent, therefore, the former weekly or daily meetings, especially in the local units and sections, is now perceived as bureaucratic and unnecessary.

An illustration of the communication change and the way political parties reach their supporters is the case of both major parties: During 2009-2013, the Democratic Party held only one meeting of the National Council, instead of at least 12 meetings that should have been held according to the statute. During 2012-2016, PS held only four meetings of the leading structure, out of 36 meetings which should have been held as per the SP statute (*ISP, 2017*). On the other hand, the chairmen of these parties, Berisha (before 2013, and Basha as of June 2013) and Rama are the most active politicians in social networks with approximately 1 million followers. Their posts and updates are frequent and the exchange with the supporters' and commenting followers is also active.

The last element analyzed in this section is the mandate and competences of the parliamentary groups. Although the MPs mandate has a distinct significance, the parliamentary groups have a minor role in political decision making. Parliamentary groups usually implement the decisions of the respective party leadership and they do not express individual or independent opinions. In a monitoring report for the Albanian Parliament, ISP (2017) concluded that the MPs appear not to have as much information on the political party they represent as the active party members. MPs also have fewer representation opportunities compared to party officials. Political parties justify this practice with the fact that most MPs are not career oriented politicians, but they just are new entries in each parliamentary legislature, and might not continue to serve the party at the end of the legislative term.

The MPs are considered as *ex officio* members of the national assembly's or national councils of political parties, as well as members of the leading structures in electorate branches of the constituencies they represent. This privileged status was initially applied in 2007 by the SP and DP, but it soon became challenging, especially for the parties in power, as the high number of MPs augmented the number of party individuals who aim at representative privileges at all levels. These privileges mean that as an MP, an individual could at the same time be member of the assembly, of the national leading structures, of the general secretariat and of the government (Minister's position).

The SP applied the differentiation of minister and MP positions in 2013, however, the experience of this separation of roles for the current term,

2013-2017, highlighted a new development in the way authority is envisaged within political parties: the individuals who serve (d) as ministers, are considered as more authoritative within the party compared to the MPs or other members of the chairmanship structures.

### 3. Comparative summary

Following the work of Cular (2004), a grading was conducted to evaluate the political parties in Albania. The Albanian system of political parties represents a number of distinct differences from other parties in the region. Some the Albanian parties have a specific nature (i.e. PBDNJ –Representing the Greek minority party; PDIU –representing Chams, the Albanian community expelled from Greece before the end of World War II). These parties tend to have strong links with the members, since the votes depend on the membership and the two are interlinked. This scenario strengthens the local autonomy of these parties. However, when it comes to the decision-making process, these political parties do not differ from the rest of political parties in Albania.

**Table 2:** Evaluation of dimension of Autonomy among political parties in Albania

Dimension of internal party democracy	SP	DP	SMI	PDIU	PR	PDK	PBDNJ	PAA	PKD
<b>1. Autonomy</b>									
a. members' rights and protection	1	1	2	2	1	1	3	1	1
b. local level autonomy	1	1	0	2	1	1	1	1	1
c. local level influence on central party	1	1	0	1	1	2	1	1	1
<b>Total</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>3</b>	<b>3</b>
<b>2. Inclusion</b>									
a. direct member participation	1	1	1	1	0	0	0	0	0
b. conventions vs executives	2	2	2	1	1	1	2	1	1
c. presidential powers	3	3	3	2	2	2	1	2	3
<b>Total</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>4</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>4</b>



On the other hand, the two major parties, PS and PD, have the same indicator for the level of autonomy and inclusion. Each of them has respectively held elections for its leadership position and for members of the leading structures. The third main political party, Socialist Movement for Integration (MSI), presents the same indicators for the inclusion components, however, it scores low at the local autonomy level. The party has a pyramid structure and decision-making is directly related to the willingness of the party' chairmen, (former Prime Minister I.Meta) who exercises his power through the centralized mechanisms of participation.

For the other political parties, the indicators show a weak internal democracy, fragile consultation process, unstable representation means and unclear decision-making processes; however, these parties do not have a specific significance in this study, as they have a symbolic representation in the parliamentary and public life (i.e. no seats in the parliament and no leading positions in the local government)

During the last five years, each party has embraced a new form of the decision-making control by the leaders and their loyal party members, (*ISP, 2017*) by expanding the structure of the party chairmanship. From 19-21 members (between 1991-2005) the number of members in the party chairmanship is now between 30-55 members, an increase of more than 200% in the structure, which is filled with co-opted individuals, who have become members because of their previous political functions, i.e., being MPs, city majors, spokespersons, directors of international relations, heads of partner organizations, the heads of major departments of the party, national coordinators, etc. In this context, political parties have applied fixed quotas also for women and youths in leadership and decision-making processes - a positive development at the first glance, but de facto, these quotas represent further restriction on the competition and the meritocracy system within the political parties.

Another crucial organizational feature of the Albanian parties is the concentration in the capital, Tirana, enforcing thus the vertical focus of political debate and the decision making processes. Out of 130 active political parties in Albania, only 0.5% has the registered headquarters outside the capital (*ISP, 2017*). None of the eight parliamentary parties has its headquarters outside Tirana. On a horizontal comparison rate, more than 80% of the leadership members as well as 95-98% of the secretariat members of the parliamentary parties live and reside in Tirana, not on their constituency. All parliamentary parties have central offices provided for free from the state budget, which also covers the operation costs. The Law on Political Parties foresees that

the government, through the state budget, must provide offices not only in Tirana, but also in 11 other cities, which are central working points for the 11 administrative regions in the country.

### 3.1. CONCLUSIONS

In 2008, the two major parties, SP and DP, amended the Albanian constitution and the electoral system, experimenting with the new regional proportional system with closed lists and the constructive motion for the Prime Minister. Both changes led to an increased importance and power of the leaders from the two major political parties in their race to become the next Prime Minister of the country. This new development was a relapse on the internal democratization of political parties. After almost two decades of efforts to strengthen political parties, the new constitutional changes made in secret and overnight by SP and DP cancelled all hopes to have democratic political parties in Albania.

The rejection of the model of popular parties with horizontal extension was immediately replaced with the introduction of the electoral parties' model, with *vertical* extension of the decision-making, which is now the main feature of the political parties in Albania.

The second issue of the political parties is the intense difference between the legal basis (Law on Political Parties, party statutes and regulations, the Constitution and the Electoral Code) and the real picture in practice. In selected elements, almost 100% of the political parties in Albania act in violation of the law in instances such as: ignoring internal periodic elections, not exercising the functional democracy, allowing religious and ethnic identification, etc.

The legitimacy of the Albanian political parties remains unknown. There has never been compiled or published any monitoring report or any other report that evaluates *officially* political parties. This is due to the missing legal basis to ensure a controlling mechanism and to conduct the official monitoring of the political parties.

After a long and severe dictatorship, Albania has managed to accumulate only a modest experience in its democratic life. This inexperience has generated the main negative features of the internal democracy of political parties, together with the tendency to create absolute majorities, strong parties and strong leaders with excessive power, privileges and competences. This approach has created an elite of "untouchable" leaders who control the political parties and through them, the whole political system and the decision-making processes in Albania. Furthermore, this development has fortified the model of parties

associated with one individual and operating with a clientele list, with members adapted to the leader and a party with no functional structures as per the standard required by Albanian law and by the parties' own statutes.

The Periodic fragmentation of parties is a by-product of the internal democracy and lack thereof, as well as a proof that the Albanian political relations are not based on the relations between the ideology, alternative and voters, but in the relations with the leader of the party and the party in power.

### 3.2 RECOMMENDATIONS

Based on this analysis, the paper makes a set of recommendations addressed to the political parties, whose practice does not reflect the issues that are important for autonomy and inclusiveness. The statutes of the main political parties analyzed in this paper, are silent on the dimensions of inclusiveness, and to a significant extent, on the dimension of autonomy as well. It would therefore be advisable to regulate these issues in their statutes, since it remains the highest formal legal document for the party.

- Once the statutes are revised, in the era of technology and internet access, political parties shall make public their statutes, and update their webpage, since the website remains the only official communication channel with the public. A public statute is a basic element to empower party members, and to keep the public informed.
- The main challenge of the Albanian political parties remains the internal democratization. Parties should make every effort to make their political practice compatible to the statutory and legal norms. The law on political parties requires a comprehensive review, and together with the law, a review shall also be made to the list of identification and legitimacy of the political parties.
- Closer attention should be paid to the internal electoral system of political parties, as only internal elections can foster competitiveness, attract new members, and promote a new system based on merits and results.
- Concentration of power in the hand of the chairmen of the party should be revised, as it represents one of the most significant impediments for the internal democracy of the political parties.
- Similarly, the autonomy of the local branches, sections and leading structures shall be revitalized, as it gives more power to the other structures of the party, making it stronger at all levels.

- Citizens in Albania are still regular voters and they place confidence in political parties. And political parties must convey this trust in the quality of reforms and representation, just as the citizens expect it to be.
- The political parties must have a closer and more intensive communication with the citizens, to address citizen's concerns and to reflect their expectations in official policies and reforms.
- Albania needs a direct democracy, and the Albanian political parties need to apply the direct use of the primary systems in parliamentary elections as well as in the local government elections.

All these changes require a strong political will and a stable environment to allow significant improvements on the internal democracy of political parties, and subsequently, on the whole democracy in Albania.

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**CIP Katalogimi në botim BK Tiranë**

Krasniqi, Afrim

Organization of parties and international democracy  
of political parties in Albania / Afrim Krasniqi, Edlira  
Gjoni. – Tiranë : ISP, 2017

... f. ; ... cm. – (Policy paper)

Bibliogr.

ISBN 978-9928-4418-0-5

I.Gjoni, Edlira

1.Parti politike 2.Demokracia

329.1/.6(496.5)





